

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MARSEILLE CLAUDY,	:	Civil No. 11-3440 (WJM)
	:	
Petitioner,	:	
	:	
v.	:	ORDER
	:	
WAYNE MULLER, et al.,	:	
	:	
Respondents.	:	

Petitioner, Marseille Claudy, having filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, together with an application for issuance of an Order to Show Cause; and it appearing that Petitioner, an immigration detainee presently confined at the Hudson County Correctional Center in Kearny, New Jersey, is challenging his continued detention pending his removal, pursuant to Zadvydas v. Davis, 533 U.S. 678 (2001), on the grounds that it violates federal constitutional law;

It is on this 12th day of July, 2011,

ORDERED that the Clerk of the Court shall serve copies of the Petition, this Order, and all other documents docketed in this matter upon Respondents by certified mail, return receipt requested, with all costs of service advanced by the United States; and it is further

ORDERED the Clerk shall forward, electronically or by regular mail, a copy of the Petition and this Order to the Chief,

Civil Division, United States Attorney's Office, 970 Broad Street, Room 700, Newark, NJ 07102; and it is further

ORDERED that, in accordance with Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 cases through Rule 1(b), see 28 U.S.C. § 2254 Rules 1(b), 4, this Court has screened the Petition for dismissal and determined that dismissal without an answer and the record is not warranted; and it is further

ORDERED that, within 30 days after the date of entry of this Order, Respondents shall electronically file a full and complete answer to said Petition, which responds to the factual and legal allegations of the Petition paragraph by paragraph; and it is further

ORDERED that the answer shall state the statutory authority for Petitioner's detention, see 28 U.S.C. § 2243; and it is further

ORDERED that Respondents shall raise by way of the answer any appropriate defenses which Respondents may wish to have the Court consider, including, but not limited to, exhaustion of administrative remedies, and also including, with respect to the asserted defenses, relevant legal arguments with citations to appropriate legal authority; and it is further

ORDERED that Respondents shall electronically file with the answer certified copies of the administrative record and all other documents relevant to Petitioner's claims; and it is further

ORDERED that all exhibits to the Answer must be identified by a descriptive name in the electronic filing entry, for example:

"Exhibit #1 Transcript of [type of proceeding] held on XX/XX/XXXX" or

"Exhibit #2 Opinion entered on XX/XX/XXXX by Judge YYYY";

and it is further

ORDERED that Petitioner may file and serve a reply in support of the Petition within 30 days after the answer is filed; and it is further

ORDERED that, within 7 days after any change in Petitioner's custody status, be it release or otherwise, Respondents shall electronically file a written notice of the same with the Clerk of the Court; and it is further

ORDERED that the Clerk of the Court shall serve this Order on Petitioner by regular mail.

s/William J. Martini

WILLIAM J. MARTINI
United States District Judge